

Mayor Ernie Wentreck
Mayor Pro Tem Paul Madison

Councilmembers
Russell Bradley
Mark Conlee
Ben Hardeman
Joe Marín
Boyd Sheffield

AGENDA

**BRYAN CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 14, 2004 - 4:30 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

- 1. CALL TO ORDER (Room 305)**
- 2. EXECUTIVE SESSION** - The City Council has determined a necessity to go into a closed to the public session under the provisions of Section 551, Texas Government Code, and the following topics may be discussed: under the authority of Section 551.071, consultation with attorney - seek advice of legal counsel regarding the performance of contractual obligations for the Traditions project and pending litigation related thereto; under the authority of Section 551.074, personnel matters – annual performance review of City Attorney and City Manager; and under the authority of Section 551.072, deliberation regarding real property - possible acquisition of property for Justice Center.
- 3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION, IF NECESSARY (COUNCIL CHAMBERS)**
- 4. INVOCATION (Approximately 6:00 p.m. – Monsignor John McCaffrey, St. Joseph Catholic Church) AND PLEDGE OF ALLEGIANCE**
- 5. PROCLAMATIONS AND PRESENTATIONS**
 - National Assisted Living Week
 - Save Our Streets Awareness Week
- 6. HEAR CITIZENS**
- 7. FISCAL YEAR 2005 BUDGET APPROPRIATIONS**
 - a. Public Hearing – [Fiscal Year 2005 Budget Appropriations](#) – Kathy Davidson**

Receive public comment regarding budget appropriations for the support, maintenance, buildings and improvements for the City of Bryan, Texas, for the fiscal year beginning October 1, 2004, and ending September 30, 2005, both dates inclusive, adopting the budget figures and accounts as part of said appropriations in the combined total of \$227,578,546; authorizing the City Manager to make certain transfers of funds.

b. First Reading of an Ordinance – [Fiscal Year 2005 Budget Appropriations](#) – Kathy Davidson

First reading of an ordinance of the City of Bryan, Texas, making appropriations for the support, maintenance, buildings and improvements for the City of Bryan, Texas, for the fiscal year beginning October 1, 2004, and ending September 30, 2005, both dates inclusive, adopting the budget figures and accounts as part of said appropriations in the combined total of \$227,578,546; authorizing the City Manager to make certain transfers of funds.

8. REZONING REQUEST (RZ 04-07)

a. Public Hearing – [Rezoning Request \(RZ 04-07\)](#) – Lindsay Guindi

Receive public comment regarding a request to amend Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of 'SC-R' South College – Residential to 'SC-B' South College – Business for approximately 9.38 acres located on South College Avenue between Carson and Williamson Streets, being Lots 10-24 of the C.M. Evans Subdivision, Bryan, Brazos County, Texas.

b. First Reading of an Ordinance – [Rezoning Request \(RZ 04-07\)](#) – Lindsay Guindi

First reading of an ordinance of the City of Bryan, Texas, amending Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of 'SC-R' South College – Residential to 'SC-B' South College – Business for approximately 9.38 acres located on South College Avenue between Carson and Williamson Streets, being Lots 10-24 of the C.M. Evans Subdivision, Bryan, Brazos County, Texas.

9. REZONING REQUEST (RZ 04-08)

a. Public Hearing – [Rezoning Request \(RZ 04-08\)](#) – Beth Wilson

Receive public comment regarding a request to amend Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of 'SF-5' Single Family 5000 to 'MU-1' Mixed Use Residential located on Rabbit Lane, adjacent to the Bryan city limits for approximately 2.1 acres of a part of Lot 5 of the Fox Meadows Subdivision, Bryan, Brazos County, Texas.

b. First Reading of an Ordinance – [Rezoning Request \(RZ 04-08\)](#) – Beth Wilson

First reading of an ordinance of the City of Bryan, Texas, amending Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of 'SF-5' Single Family 5000 to 'MU-1' Mixed Use Residential located on Rabbit Lane, adjacent to the Bryan city limits for approximately 2.1 acres of a part of Lot 5 of the Fox Meadows Subdivision, Bryan, Brazos County, Texas.

10. REZONING REQUEST (RZ 04-09)

a. Public Hearing – [Rezoning Request \(RZ 04-09\)](#) – Beth Wilson

Receive public comment regarding a request to amend Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of 'A-O' Agricultural-Open to 'R' Retail for approximately 3.594 acres located along FM 158, 1,500 feet

west of the Briarcrest Drive intersection, situated in the John Austin League No. 8, Abstract No. 2, Bryan, Brazos County, Texas.

b. First Reading of an Ordinance – [Rezoning Request \(RZ 04-09\)](#) – Beth Wilson

First reading of an ordinance of the City of Bryan, Texas, amending Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of ‘A-O’ Agricultural-Open to ‘R’ Retail for approximately 3.594 acres located along FM 158, 1,500 feet west of the Briarcrest Drive intersection, situated in the John Austin League No. 8, Abstract No. 2, Bryan, Brazos County, Texas.

11. REZONING REQUEST (RZ 04-10)

a. Public Hearing – [Rezoning Request \(RZ 04-10\)](#) – Lindsay Guindi

Receive public comment regarding a request to amend the Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of ‘C’ Commercial to ‘PD-H’ Planned Development – Housing for approximately 9.97 acres located west of the Briarcrest Northwest Subdivision, being part of the John Austin Survey, A-2, Bryan, Brazos County, Texas.

b. First Reading of an Ordinance – [Rezoning Request \(RZ 04-10\)](#) – Lindsay Guindi

First reading of an ordinance of the City of Bryan, Texas, amending the Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of ‘C’ Commercial to ‘PD-H’ Planned Development – Housing for approximately 9.97 acres located west of the Briarcrest Northwest Subdivision, being part of the John Austin Survey, A-2, Bryan, Brazos County, Texas.

12. CONSENT (AUTOMATIC APPROVAL) AGENDA

This agenda consists of ministerial or “housekeeping” items required by law. Items may be removed from the consent agenda by majority vote of the Council.

a. Approval of [Minutes](#) – Special Meeting of August 17, 2004, and Workshop and Regular meetings of August 24, 2004.

b. Consideration – [Purchase of a Van for Bryan Police Department](#) – Mike Strobe

Consider authorizing the purchase of one Ford E-350 van with an optional E-450 package for the total price of \$37,205 through the Houston-Galveston Council of Governments cooperative purchasing program. Source of Funds: Homeland Security Grant. ([Price Summary](#))

c. Consideration – [Purchase of Storage Area Network](#) – Tony Gonzalez

Consider authorizing the purchase of a storage area network from SANZ, Inc., through the State of Texas Department of Information Resources contract in the amount of \$74,234. Source of Funds: General Fund – Information Technology/Machinery and Equipment /Office Machines and Equipment - \$35,000, General Fund – Police/Machinery and Equipment/Office Machines and Equipment. ([Contract](#))

d. Resolution – [D.A.R.E. Officers](#) – Mike Strobe

Adoption of a resolution of the City Council of the City of Bryan, Texas, authorizing the Chief of Police of the Bryan Police Department to enter into a D.A.R.E. Officer Memorandum of Understanding with the Superintendent of the Bryan Independent School District and providing for the sharing of personnel costs in the amount of up to \$46,118.40 to enable the department to continue to provide the Drug Abuse Resistance Education Program in the schools at the current level; providing for renewal on a year by year basis.

e. Second and Final Reading of an Ordinance – [Fiscal Year 2004 Budget Amendment](#) – Kathy Davidson

Second and final reading of an ordinance of the City of Bryan, Texas, amending Ordinance No. 1436; which was subsequently amended, increasing budget appropriations for Fiscal Year 2004 from \$208,194,996 to \$208,916,484.

f. Second and Final Reading of an Ordinance – [Annexation of Brazos County Expo Center](#) – Beth Wilson

Second and final reading of an ordinance of the City of Bryan, Texas, providing for the annexation of certain territory lying adjacent to and contiguous to the present city limits of the City of Bryan and consisting of 91.56 acres of land located in the T.J. Wooten Survey, Abstract 59, Brazos County, Texas, and being a part of the 159 acre tract described in the Notice of Lis Pendens, Brazos County, Texas, vs. Dorothy Marie Sramek Bienski and Leon Bienski, recorded in Volume 4373, Page 17 of the Deed of Records of Brazos County, Texas; and establishing original zoning.

13. STATUTORY AGENDA

This agenda consists of items previously approved by Council action, such as adoption of items that are part of an approved budget or capital improvements project, first readings of ordinances, or action which is required by law or delegated to the City Manager. Items may be removed from the statutory agenda at the request of two Councilmembers.

a. Consideration – [Water Production – Transmission Line Improvements, Phase 3](#) – Linda Huff

Consider awarding an engineering design contract to O'Malley Engineers, L.L.P., in an amount not to exceed \$376,600 for the Water Production – Transmission Line Improvements, Phase 3 – Water Supply Line project. Source of Funds: 2004 Water Bonds – Fund 565.

b. Consideration – [Hutchins Street Sewer Improvements](#) – Linda Huff

Consider awarding a construction contract to R.M. Dudley Construction in an amount not to exceed \$123,347.70 for the Hutchins Street Sewer Improvements project, subject to the submittal of required bonds and insurance. Source of Funds: 2001 Sewer Bonds – Fund 561.

c. Consideration – [2004 Street Maintenance Phases 1 and 2](#) – Linda Huff

Consider awarding a construction contract to Young Construction, Inc., in an amount not to exceed \$2,211,389.50 for the 2004 Street Maintenance project, subject to the submittal of required bonds and insurance. Source of Funds: Transportation - \$1,401,099.50, 2003 Capital

Improvements Bonds - \$700,000, Parks and Recreation - \$48,215 and Environmental Services - \$62,075.

d. Consideration – [Contract for Municipal Court Judge Services](#) – Mary Lynne Stratta

Consider authorizing the Mayor to sign a contract with Latham Boone III, for services as Municipal Court Judge at a rate of \$50.00 per hour, effective October 1, 2004. Source of Funds: General Fund – Municipal Court Fiscal Year 2005 Budget.

e. Consideration – [Contract for Municipal Court Prosecutor Services](#) – Michael Cosentino

Consider authorizing the Mayor to sign a contract with Albert Navarro for services as Municipal Court Prosecutor at a rate of \$40.00 per hour, effective October 1, 2004. Source of Funds: General Fund – Legal Services Fiscal Year 2005 Budget.

f. Consideration – [Routine Airport Maintenance Program Grant](#) – Hugh Walker

Consider authorizing the Mayor to execute the Fiscal Year 2005 Texas Department of Transportation Routine Airport Maintenance Program grant in a maximum amount of \$30,000 from the State, with the City providing a fifty percent match. Source of Funds: Airport Fund.

g. Resolution – [Parks and Recreation Fee Schedule](#) – David Schmitz

Adoption of a resolution of the City Council of the City of Bryan, Texas, repealing Resolution No. 2895 setting fees to be charged and collected for certain park and recreation activities; and establishing a new fee schedule. ([Resolution](#))

h. First Reading of an Ordinance – [Amending Officer and Employee Liability Plan](#) – Mary Kaye Moore

First reading of an ordinance of the City of Bryan, Texas, amending Section 2-527(A) and (B) of the Bryan City Code to provide coverage for the Directors of the Board of the Bryan Business Council, Inc., and the Executive Director thereof under the City of Bryan officer and employee liability plan.

14. REGULAR AGENDA

This portion of the agenda consists of items requiring individual consideration by the Council.

a. Consideration – [Appointment to Brazos Valley Convention and Visitors Bureau Board of Directors](#) – Mary Lynne Stratta

Consider appointing a City of Bryan representative to the Brazos Valley Convention and Visitors Bureau Board of Directors Executive Committee for a two-year term beginning October 1, 2004.

b. Consideration – [Subordination Agreement to the Master Economic Development Agreement](#) – John Blackburn

Consider authorizing Ernie Wentreck, Mayor of the City of Bryan, Texas, to execute a Subordination Agreement to the Master Economic Development Agreement, dated November 2, 1999, as amended by a First Amendment to the Master Economic Development Agreement dated June 13, 2000, and a Second Amendment to Master Economic Development Agreement dated

February 24, 2004, to subordinate the City's rights to a 6.34 acre tract of land (Parcel 5) of the Traditions Project to the first lien rights of Gold Bank of Oklahoma City, Oklahoma. ([Agreement](#))

c. First Reading of an Ordinance – [Tax Rate](#) – Kathy Davidson

First reading of an ordinance of the City of Bryan, Texas, fixing the tax levy of the City of Bryan, Texas, for taxable year 2004, at \$.6364 per \$100 of assessed valuation.

15. COUNCIL COMMITTEE REPORTS

City of Bryan/BISD Joint Committee – Councilmember Hardeman

16. CITY MANAGER'S REPORT AND COUNCIL CONCERNS

Staff recognition, upcoming meetings and events, reports on attendance at meetings and events, future Council agenda items.

17. ADJOURN

FOR INFORMATION ON SIGN LANGUAGE INTERPRETATION, TDD OR OTHER TRANSLATION OR ACCESSIBILITY INFORMATION, PLEASE CONTACT THE PUBLIC INFORMATION OFFICER AT 209-5120. PLEASE TRY TO CONTACT THE ABOVE PERSON AT LEAST 48 HOURS BEFORE THE SCHEDULED TIME OF THE MEETING SO THAT YOUR REQUEST MAY BE ACCOMMODATED.